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APPLICATION NO.	FILING	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,202	09/24/2001		Baruch Solomon	2207/12173	6536
23838	7590	11/03/2005		EXAMINER	
KENYON 8		I	LI, ZHUO H		
1500 K STRE SUITE 700	EET NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				2185	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/961,202	SOLOMON ET AL.				
Office Action Summary	Examiner	Art Unit				
	Zhuo H. Li	2185				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tin iill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 29 Au	iaust 2005.					
	action is non-final.					
· <u> </u>	, 					
closed in accordance with the practice under E	•					
Disposition of Claims						
4) Claim(s) <u>1-25</u> is/are pending in the application.						
4a) Of the above claim(s) <u>1-4 and 21-25</u> is/are v	withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>5-20</u> are subject to restriction and/or e	lection requirement.					
Application Papers	·					
9) The specification is objected to by the Examiner						
10) The drawing(s) filed on is/are: a) acce		- - - - - -				
Applicant may not request that any objection to the o						
Replacement drawing sheet(s) including the correcti						
11) The oath or declaration is objected to by the Exa	· · · · · · · · · · · · · · · · · · ·					
Priority under 35 U.S.C. § 119	2	7.63.67.67.167.17.7.6				
<u> </u>		(4) == (5)				
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(a) or (t).				
a) All b) Some * c) None of:	to a transmission of					
1. Certified copies of the priority documents						
2. Certified copies of the priority documents	• •					
3. Copies of the certified copies of the priori	· ·	ed in this National Stage				
application from the International Bureau	• • • • • • • • • • • • • • • • • • • •	a.				
* See the attached detailed Office action for a list of	or the certified copies not receive	u.				
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
Notice of Dransperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)				

Application/Control Number: 09/961,202 Page 2

Art Unit: 2185

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The Office action is in response to the Pre-Appeal brief request filed on 8/29/2005. Claims 1-25 are pending, Claims 1-4 and 21-25 are canceled. Claims 5-20 are pending in the application.

Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 5-10, drawn to control method on a cache hit for counting a number of access to a cache line that caused the hit and building and storing instruction segments if the count meets a predetermined threshold, classified in class 711, subclass 154.
 - II. Claims 11-20, drawn to a structure of a cache or an access filter, classified in class711, subclass 118.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant

Application/Control Number: 09/961,202 Page 3

Art Unit: 2185

case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombinations are not essential to the combination. The subcombination has separate utility such as the patentability of a control method on a cache hit with the segment builder does not rely on the detail structure of a cache with address decoder, incrementor, count field and transmission gate.

- 4. Because these inventions are not only distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, but also distinct for the reasons that search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to William E. Curry (Reg. No. 43,572) on October 19, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Application/Control Number: 09/961,202 Page 4

Art Unit: 2185

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Allowable Subject Matter

7. Claims 5-10 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zhuo H. Li whose telephone number is 571-272-4183. The

examiner can normally be reached on Tues - Fri 9:00am - 6:30pm and alternate Monday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhuo H. Li Patent Examiner

Zhero

Art Unit 2185

SUPERVISORY PATENT EXAMINER